THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.15402 OF 1999

DATED 28th NOVEMBER 2007

BETWEEN:

Atchutha Subhadramma

… Petitioner

AND

The Mandal Revenue Officer, Gooty, Ananthapur and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15402 OF 1999

ORDER:

The petitioner is resident of Utakallu Village, Gooty Mandal in Ananthapur District. She is statedly owner of land admeasuring Acs.4.50 in survey No.173/A having purchased the same under registered sale deed, dated 18.04.1989. She admits that she is not at all concerned with the land admeasuring Acs.2.00 in survey No.173/1 situated in the same village.

The third respondent initiated action under Section 4(1) of Land Acquisition Act, 1894 (the Act, for brevity). The notification under Section 4(1) of the Act was issued on 18.11.1997 proposing to acquire the land to an extent of Acs.2.00 in survey No.173/1 (hereafter called, the acquired land), for the purpose of providing house sites to weaker sections. The petitioner's husband Sri Atchutha Subbaiah was shown as owner in the notification under Section 4(1) of the Act. A notice of enquiry under section 5-A of the Act was issued to the petitioner's husband on 11.02.1998, that he appeared in the enquiry on 27.02.1998 and statedly reported that he is nothing to do with the acquired land. In spite of the same, a declaration under Section 6(1) of the Act showing Atchutha Subbaiah as owner was published and an award was also passed. The petitioner alleges that as many as fifty-five house site pattas were given in respect of the acquired land admeasuring Acs.2.00 in 173/A, but, in the guise of the same, respondents tried to occupy petitioner's land. Aggrieved by which, present writ petition is filed.

First respondent filed counter affidavit. It is admitted that the petitioner is owner of land admeasuring Acs.4.50 in survey No.173/A and pattadar pass books were also issued. He further stated in the affidavit as under.

> In this case, Smt.Subhadramma, W/o Achuta Subbaiah, the writ petitioner is no way concerned. The writ petitioner Smt.Subhadramma has filed writ petition in the High Court claiming S.No.173-A extent of 4-50 acres of Utakallu village of Gooty Mandal. Actually the land in S.No.171-1 extent 2-00 acres of Utakallu village was acquired in Award No.6/98-99 dated 31-1-99 (Rc.3197/97/D1/LA dated 31.1.99).

A reading of the above averment would show that the allegation of petitioner that the land admeasuring Acs.4.50 in survey No.173/A was not acquired and the acquired land was in survey No.171/1 to an extent of Acs.2.00. This itself is sufficient to direct the respondents not to interfere with the petitioner's land in survey No.173/A unless the same is acquired in accordance with law. Be it also observed that in the guise of

acquisition of land in survey No.171/1 admeasuring Acs.2.00, the respondents cannot issue house site pattas in respect of the petitioner's land.

The writ petition, with the above observations and directions, is disposed of. No costs.

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(V.V.S.RAO,J)

28.11.2007.
pln